

Be Careful What You Wish For: Succeeding in the Dean Candidate Pool

Gail B. Agrawal[†]

As a relatively new dean, my first thought upon receiving an invitation to serve as a panelist at the conference that gave rise to this series of papers was, “Where was this program when I was in the dean market?” The conference provided invaluable insights to those legal academics considering whether to relinquish, for a time, their role as full-time teachers and scholars to take on leadership and management responsibilities as the dean of a law school. I am grateful to the conference organizers and to Seattle University School of Law for convening it. My conference assignment focused on the second step of the process: how does a decanal candidate become a sitting dean?¹ In this short essay, I share some thoughts on what I know now as a successful candidate and contented dean that I wish I had known then as a dean candidate.

After a law professor or lawyer decides to submit or permit his or her name to be submitted in response an announcement seeking nominations for dean, the candidate will first find himself or herself in a large, undifferentiated candidate pool. Assuming the candidate has already decided he or she wants to become a dean, I would encourage her to reflect back to an old adage repeated to many would-be law professors when they decide to enter the teaching market: A great number of law teachers and law deans are teaching and leading at schools about which they knew very little before accepting an invitation to interview. A candidate’s goal throughout the process is to seek the right fit: on what faculty could he or she make the greatest positive difference in the life of the law school as its dean? For most of those who would be dean, the time for narrowing a search is after learning more about a school than simply its geographic location and its *U.S. News* ranking.

[†] Dean and Professor of Law, University of Kansas School of Law.

1. My remarks, like my experience, are aimed principally at external candidates for law school deanships.

The ideal time to prepare for success in the candidate pool is *before* becoming a candidate. Read the literature on “deaning.” The deans’ leadership issues of the University of Toledo Law Review are especially helpful.² My predecessor at University of Kansas School of Law, Bob Jerry (now dean of the University of Florida), provides excellent insights in his *Primer for the First-Time Law Dean Candidate*.³ Engage in some introspection about why you want to be a dean, what skills you bring to the position, and what you hope to accomplish with the school you lead. To jumpstart this internal dialogue, a helpful source is Jeffrey O’Connell and Thomas O’Connell’s article, *The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual*.⁴ You will want to know if these roles do not describe your career aspirations before you expend significant amounts of time on the dean search process, or worse, accept a deanship.

While the faculty is the heart of a law school, the dean of the law school has responsibilities that extend well beyond the crucial task of building and nurturing the very best faculty possible. If a dean candidate has spent most, or all, of her professional career as a faculty member, she will need a crash course on the non-faculty components of a law school.⁵ Learn about recruitment and admissions of students, including students of color and other groups under-represented at the Bar. Understand career counseling and placement in general and, for a candidate further along in the search process, for the students at the school where you are interviewing. Consider the role of the law library as a provider of information, not merely a repository of books, and the role of technology in contemporary legal education. Give serious thought to your level of interest in alumni relations and fundraising. Finally, if you would be a dean of a public law school, consider your commitment to the local bar and bench and your likely interaction with the State’s political leadership. These are important aspects of a successful dean’s work.

After deciding that a law deanship might be for you, alert the faculty or professional colleagues who you would like to serve as nominators or references. Select those who know the legal academy and who know you well. Three or four faculty colleagues, including perhaps the dean or associate dean, are sufficient at the beginning of the process. As

2. See 31 U. TOL. L. REV. 4 (2000); 33 U. TOL. L. REV. 1 (2001); 34 U. TOL. L. REV. 1 (2002); 35 U. TOL. L. REV. 1 (2003); 36 U. TOL. L. REV. 1 (2004); 37 U. TOL. L. REV. 1 (2005); 38 U. TOL. L. REV. 2 (2008).

3. 49 J. OF LEGAL EDUC. 564 (1999).

4. 29 EMORY L.J. 605 (1980). The article is a bit dated, but well worth your time and reflection.

5. Lawyers or judges who seek law deanships from outside the academy are well advised to talk with legal academics to gain insights into the norms and values of today’s legal academy.

your candidacy advances, however, you should have a list of references that includes law school administrative staff, faculty, and perhaps some former students. Your references should be able to speak knowledgeably about your leadership, management, and communication styles.

When a candidate is notified that he or she has been nominated, the search committee will ask for a letter of interest and curriculum vitae, including a list of references. Get your curriculum vitae in order and write an informative, but not overly long, cover letter. Your vitae should highlight your experiences as a leader, an administrator, and a fundraiser, as well as your academic credentials and bona fides as a scholar and a teacher. The law faculty will have a strong preference for a dean who is a good teacher and a strong scholar, or at least a dean who understands and embraces academic values. However, the day-to-day of the work of the dean is quite different from that of a law professor. Your vitae and your cover letter, therefore, should highlight your recognition of those differences and your strengths as a would-be dean as well as a member of the law faculty. Your cover letter can be modified to explain your interest in a particular deanship or your skills that would be especially useful for a given law school.

Screening interviews sometimes come with little notice. The decanal candidate who has prepared for success in the interview process will be a more confident interviewee when she picks up an unexpected message from the message board during the annual meeting of the Association of American Law Schools inviting her to talk with a dean search committee. More typically, however, the screening interview will be scheduled with varying amounts of advance notice.

A candidate's first in-person contact will be with the dean search committee. Be aware of your initial audience. Success in this screening stage is, of course, essential if a candidate is to be invited to campus to meet with the law school faculty, staff, students, and senior university officials. Not all search committees are equally sophisticated about what a candidate needs to know at this first step in the selection process. Some universities appoint dean-search committee chairs who know very little about law schools in general or what the specific law school wants, or needs, in its next dean. A fairly typical practice is to appoint a sitting dean from another school on campus. Less commonly, schools appoint a senior administrator. The committee search chair might be leading the candidate's first decanal search. Some schools will not have conducted an external search for a law dean in some time. The successful dean candidate must be prepared to engage in a little self-help to secure the information that will enable the candidate to participate meaningfully in the search committee screening interview.

Preparation for the screening interview matters. If the search committee has not provided basic information about the school, ask. For starters, a candidate should know who is on the search committee and should conduct a little research for information about them. Carefully review all the information on the school's website. Some websites are better than others, and the quality of the website, as well as the information you gain there, provides important insights into the job ahead. Ask to receive all the materials that the school routinely sends to prospective students and faculty candidates. Be attuned to both what the school touts and what it neglects; both will tell you something about the school and the job of the next dean. Review two or three of the most recent issues of the alumni magazine, preferably one containing an annual donor report. Unless the law school is independent, the candidate should also request information about the University, its mission, and its demographics.

Most law schools will be reluctant to share a self-study analysis, a site visit report, or sensitive budget documents at this early stage of the dean search. However, a candidate without information that is made available to other candidates is at a significant disadvantage. The serious candidate might inquire about their availability, taking care to give the committee an easy out to say "not yet." Offering to sign a confidentiality agreement and to return all non-public documents might ease some lingering committee concerns. Candidates with access to the ABA Questionnaire Take-Offs⁶ should take full advantage of them before the screening interview if time permits and, in any event, before the on-campus interview.

A candidate should consider asking the chair or the candidate's designated "handler" how the screening interview will be conducted. Some screening interviews use a give-and-take format: candidates are asked questions in a format that permits them to engage the members of the committee to learn more about the school and what they believe the school needs from its next dean. From the early stages, these schools are taking a "buying and selling" approach to the dean search. The committee wants to learn more about the candidate, but it also wants to begin the process of encouraging the candidate's interest in the school. But be prepared, some schools are only "buying" at the early stage. Candidates could confront an around-the-table set of prepared questions with no opportunity to use the screening interview as a means to gain more

6. In addition to formal university reports, one convenient source of financial information concerning law schools is the ABA's Annual Questionnaire. Each school completes this annual questionnaire, and most schools subscribe to the ABA "Take-Offs" that give useful information about other law schools.

information about the school or its wish-list for the next dean. A candidate will be more comfortable, and likely more successful, with a firm idea of what to expect before meeting with the search committee.

During the screening interview, be prepared to discuss the kind of dean you would be. How would you characterize your leadership style? How would you interact with faculty, students, and staff? How would you go about creating a vision for the school, solving its problems, or moving the school forward along an existing path? Candidates should be prepared to identify key achievements and matters they find especially challenging to handle. "Know thyself" is good advice for this setting.

Candidates should be able to articulate their views of legal education generally. What is the legal academy doing well? What must we do better? What is the proper balance between and among the trilogy of our mission: students, scholarship, and service? What should be the relationship between the law school and the legal profession, the law school and the larger academy? Keep in mind the search committee will likely include representatives from outside the academy, and these outside representatives will probably have different interests and questions from the faculty representatives. Expect questions about the dean's role with respect to non-faculty staff in the law school, and how as dean you envision interacting with them. The dean is as important, and perhaps more important, to staff than to faculty; and the staff representatives on the search committee are typically very focused on whether a potential dean would value and respect them. The dean is the chief executive as well as the chief academic officer of the law school. He or she should be knowledgeable about both the state of legal education and law schools as complex organizations.

Do not be surprised to be asked some not-so-hypothetical hypotheticals, although this type of question is more common during the on-campus interview with the full faculty than with the search committee. A little research about the school ahead of time will help the candidate anticipate such questions. Schools that have had nasty tenure fights will have an inordinate interest in a candidate's views on tenure standards and processes, for example. Schools that have a clear philosophical split between the senior and junior faculty on the roles of teaching, scholarship, and service will want each dean candidate to articulate her values and answer questions about how she would handle the "uninspired teacher" or the "unproductive scholar." This is a good time for a candidate to practice skills at not being backed into a corner. You might view the issue differently as dean with the benefit of more information, than as a decanal candidate with a necessarily more truncated version of the facts.

Finally, candidates should not be surprised if they are asked during the screening interview, "Why do you want to be the dean of *this* law school?" It seems a fair question, but the question can be tricky for candidates who have yet to favor a particular school.⁷ Rather, a candidate may have decided that he or she is open to and *might* want a particular deanship. After I had made the decision that I wanted to be an "external dean," I decided I should be open to preliminary discussions with a wide-range of schools—large and small, public and private, urban and college-town. I was not at all certain when I went on a screening interview that I *did* want to be the dean of the law school in question. In response to this question posed during the screening interview, I focused instead on the characteristics of the school that interested me enough to accept an invitation to talk with the search committee, realizing some schools would likely be put off by that response. My only advice to candidates is to think through your response to this loaded question before the screening interview.

As the screening interview is concluded, if a timeline and next steps are not volunteered (especially if a candidate is in more than one search), he or she should consider inquiring about "next steps" and timing. While I made an affirmative decision throughout my search process not to ask about the existence of internal candidates or the identity of other external candidates, the process as it related to my candidacy was important to me. Because schools can be on very different timelines, if a candidate is participating in more than one search, having some information about the timing of each search can be helpful.

Dean search committees differ not only with respect to when they follow up, but also whether they follow up with all the candidates they screened or only those who progress to the stage of an on-campus interview. Although I would not usually recommend following up with a search committee that has not responded, I would suggest that candidates who decide they do not want to be considered further should inform the chair of the dean search committee. When a candidate is invited to campus for a full interview, he or she should be fair to himself or herself and the school. If a candidate has decided that the deanship is not within the realm of possibility for him or her after the screening interview, the candidate should think seriously of declining the on-campus interview.⁸ Schools invest significant resources in the on-campus interviews, and

7. The question is of course entirely fair and appropriate when a candidacy advances to the on-campus interview stage.

8. In my view, a candidate may appropriately participate in an on-campus full interview as long as she can envision some circumstance in which she would accept the deanship if it were offered. Many minds have been changed after a close look.

expending those resources for a candidate who has decided to a virtual certainty that the deanship is not for him or her is unfair to the school as well as a waste of the candidate's time.

If you decide to go forward, the on-campus interview is the time to get serious. A candidate should ask to receive a copy of the most recent self-study, the most recent accreditation site visit report, a report of the most recent capital campaign and fundraising results, and budget documents for the law school. To get a sense of existing operations, I also asked for organizational charts of the law school and the University. Candidates should assure their search committee contacts that they will keep the materials confidential and, at the committee's option, shred or return them after the process is completed.⁹

Regardless of your views on *U.S. News* rankings of law schools, study the school's rankings and be prepared to discuss the various factors that go into the ranking. A careful review of the ABA takeoff reports is well worth the time commitment at this stage. Because a faculty can be affected by the reasons for the dean's departure, a candidate who has not already been told should consider asking why the most recent dean is leaving the post. The candidate should not assume, however, that the version he or she is told is the whole truth.

Before or during the on-campus interview, a candidate might find it helpful to ask who will select the new dean and what role the search committee and the law school faculty, respectively, will have in the process. Typically, the chancellor, with advice and counsel of the provost, will select from among a short list of names provided by the search committee. The law school faculty might, or might not, have a vote of acceptability or a veto before names are submitted to the provost. If the selection process does not include an affirmative vote of support from the faculty, a candidate offered the deanship would be wise to inquire about the degree of faculty support for her candidacy. While winning over a faculty is certainly possible, a decanal candidate will want to know whether gaining faculty support is part of her task.

As with the screening interview, if the search committee does not offer information about the on-campus interview, the candidate should ask with whom she will be meeting and which format each of those meetings will take. Candidates can typically expect (1) a meeting with the entire search committee at the start and at the end of the process, possibly the first over breakfast and the latter over dinner; (2) small group meetings with members of the faculty; (3) small group meetings with

9. As a former transactional lawyer, I also offered to sign (or draft and sign) a confidentiality agreement.

members of the senior staff; (4) a session with students; (5) one or two meetings with other deans and senior University officials; and (6) individual meetings with the Chancellor and the Provost. Candidates should re-review the curriculum vitas of the faculty and search committee members, the provost and the chancellor (or president) to prepare for meetings with them.

Candidates should anticipate a two to three-day campus visit. The schedule is intense, often beginning with an early breakfast and running through dinner with little to no down time. The on-campus interview process requires some stamina, but no more than the demands of many of a dean's days. Candidates might think of the interview process as a trial run of their willingness to accept a typical dean's schedule.

During the on-campus interview, candidates will be asked to give the dean-search equivalent of a faculty job talk to the law school community. The talk should address why a candidate would be a successful dean for this particular school at this time in its history. The candidate's academic values and how he or she views the role of the dean, both internally and externally, should be apparent from the presentation. No candidate wants to accept a deanship for which he or she is not a good fit. The on-campus interview is a much better forum than an unhappy deanship to discover whether a candidate's values and skills are consistent with the school's goals.

A candidate's job talk should make it obvious that he or she has invested time in learning about the school. The candidate should be able to discuss specifics about the school, her view of its strengths, and as concretely as possible, ideas of its challenges and opportunities for the future. My approach was to be candid in a southern woman sort-of-way—not harsh but no sugarcoating. If it is apparent to a candidate, on her investigation of a school from the outside, that the school has some meaningful problems, those problems are certainly apparent to her audience. My view was to acknowledge the problems and talk about them. I approached the job talk in my mind as a consulting project or a legal problem. If I were offered the deanship and did not accept, could I make some useful observations about where the school was, the direction it might usefully take, and the first steps along that path? If so, I could feel good that I had used my time and the school's wisely whatever the outcome of the search process.

I used this hypothetical consulting report as the basis for my discussions with the chancellor and the provost. A law dean is a member of the senior administration of the University. The chancellor (or president) and the provost will want to know that a potential dean understands the dean's role as a manager of a complex institution with multiple

constituencies. They will be interested in the candidate's ability to assess the law school and its component parts, articulate a vision, and convey how she will go about running the law school as part of the wider university.

The successful candidate who is offered the position as dean will want to make another visit to the school to talk the faculty and learn more about the school, its needs, and its "wants" before deciding whether to proceed to the negotiation phase. A candidate who has decided to accept the deanship if the "price is right" will proceed to negotiate, typically with the provost. Negotiations cover the dean's salary and benefits, his or her tenure, title, and salary when the candidate returns to the faculty, and, more importantly, the "dowry" the university will provide to the new dean to advance her vision for the school. Would-be deanships, not infrequently, falter at this stage, but that is another essay.

For those whose negotiations lead to a successful conclusion, best wishes and good luck. You will not be bored or idle. And, you will find a group of supportive, insightful, and sympathetic colleagues among your fellow law deans.